

07-30-'04 14:16 FROM-Lerner & Greenberg

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T-138 P08/10 U-605

Applic. No.: 10/090,289
Amdt. Dated July 30, 2004
Reply to Office action of May 3, 2004

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-8, and 10-22 remain in the application. Claims 1, 10-11, 13, and 15 have been amended. Claims 9, and 23 have been cancelled.

In item 6 on page 2 of the above-identified Office action, claims 13-14 have been objected to under 37 CFR 1.75 (c) as being of improper dependent form for failing to further limit the subject matter of a previous claim.

More specifically, the Examiner has stated that claims 13-14 depend on claim 9 which has been cancelled. Appropriate correction has been made.

In item 8 on pages 3-4 of the above-identified Office action, claims 1-3, 5-8, and 13 have been rejected as being anticipated by Miyamoto et al. (US Pat. No. 6,335,565) under 35 U.S.C. § 102(b).

In item 10 on page 4 of the above-mentioned Office action, claim 4 has been rejected as being unpatentable over Miyamoto

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et al. in view of Isaak (US Pat. No. 6,180,881) under 35
U.S.C. § 103(a).

The rejections have been noted and claim 1 has been amended in an effort to even more clearly define the invention of the instant application. More specifically, the feature of claim 23 has been added to claim 1.

Since claim 23 contains allowable subject matter as indicated by the Examiner in item 12 on page 5 of the Office action, claim 1 is now believed to be allowable. Since claims 2-8 and 13 are ultimately dependent on claim 1, they are believed to be allowable as well.

Applicant acknowledges the Examiner's statement in item 12 on page 5 of the above-mentioned Office action that claims 10-12 and 23 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The feature of claim 23 has been added to claim 1. Since claims 10-12 are ultimately dependent on allowable claim 1, they are believed to be allowable in dependent form.

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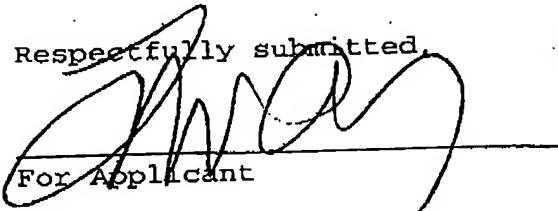
In view of the foregoing, reconsideration and allowance of claims 1-8 and 10-14 are solicited. Rejoinder of method claims 15-22 is requested under MPEP 821.04 upon allowance of the product claims.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made. Please charge any fees which might be due with respect to 37 CFR Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

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For Applicant

YC

July 30, 2004

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